

Annapolis Police Department



GENERAL ORDER

Number: L.4

**Issue Date: March
2005**

TO: All Personnel

SUBJECT: Polygraph Examination Procedures

PURPOSE

The purpose of this General Order is to clarify and regulate the procedures for the Department's polygraph unit, and to define the scope of its responsibilities.

POLICY

It shall be the policy of the Annapolis Police Department to have the polygraph available to members of the Department to aid in determining deception during the course of an investigation. It shall not be relied upon as a substitute for other approved criminal investigations techniques and procedures.

Polygraph examinations may be requested by an officer, or investigator, for suspects, complainants, and witnesses in either misdemeanor or felony cases. In addition, the polygraph shall be used by the Department, in support of internal investigations and pre-employment screening

I. Required Action

A. Arrangements and Procedures

1. Appointments

Officers requesting a polygraph examination shall contact the Officer in Charge of the Polygraph Unit for the purpose of scheduling an appointment, and discussing the details and issues of the case. In the event of an emergency, the Officer in Charge of the Polygraph Unit should be contacted at the discretion of the on-duty Platoon supervisor or the Criminal Investigations Division supervisor.

2. Explanation of Methodology

Officers shall not attempt to explain to a prospective examinee the scientific application of the polygraph examination or the methodology utilized by the examiner.

3. Time

A polygraph examination shall not be conducted immediately after the commission of the crime, or after an interview. The interim period should be approximately eight to ten hours in order to avoid an examination of persons who are emotionally upset, mentally or physically fatigued, or experiencing any other similar condition which would result in an inconclusive examination. An examination shall be conducted only when the polygraph examiner determines in his/her reasonable discretion, that it would be an appropriate time.

4. Duration

Officers requesting an examination shall be prepared to allow approximately two hours for the examination, though in some cases, a longer period may be required.

5. Information

Officers requesting an examination shall provide all available information and reports to the polygraph examiner, so as to enable the examiner to construct adequate objectives and comprehensive questions. This shall include, but is not limited to the following:

- a. A copy of the offense/complaint report.
- b. The reason for which the person is to be examined.
- c. Any factual information concerning the individual to be tested.
- d. A list of specific questions relevant to the investigation that officers want the examinee to answer.
- e. A copy of any statements given by the individual to be tested.
- f. All evidence obtained in the case and the result of laboratory examinations.
- g. Any other specific information which is peculiar to the incident under investigation, and which could only be known to those directly involved in the incident.

6. Request for Examinee Submission

Officers requesting an examination shall inform the prospective

examinee of its purpose, and request that person's submission to the examination prior to scheduling a polygraph with the Officer in Charge of the Polygraph Unit.

7. Restriction of Medication

Officers shall not advise, or otherwise restrict a prospective examinee from taking prescribed medication or any other legal, non-prescription medication prior to the administration of the polygraph examination.

8. Officer Availability

During the course of a polygraph examination, the investigating officers shall ensure they are available to respond to the examination room if necessary.

II. Examinee Rights and Privileges

A. Consent

Officers shall not require a person to submit to a polygraph examination without having received prior, knowing and voluntary consent from that person. This shall not apply however, to a situation where a law enforcement officer, or other employees of the police department are ordered to take the examination for purposes of an internal investigation.

B. Refusals

1. Officers shall not give any indication to a prospective examinee that a refusal to submit to the polygraph examination will be construed as a tacit admission of guilt.
2. In the event that a prospective examinee is unwilling to submit to a polygraph examination and, in the opinion of the investigating officer, a comprehensive explanation of the polygraph process would alleviate any reservations on the part of the prospective examinee, and thereby lead to a valid consent, the necessary arrangements for such an explanation shall be made through the Officer in Charge of the Polygraph Unit.

C. Internal Investigations

An officer shall not be ordered to take a polygraph examination for the purposes of an internal investigation regarding discourtesy or excessive force unless the complainant has taken the examination first, and the complaint/allegation are verified as truthful.

D. Confidentiality

Information obtained from an examinee during the course of a polygraph examination shall not be disseminated to the general public. The examiner shall restrict the results of the polygraph examination to Departmental personnel with a need to know, and shall apply only that information which pertains to the particular case or issue in question. However, in the event that an examinee confesses to other, unrelated crimes or violations, the polygraph examiner shall have a duty to forward the information to the appropriate officers.

E. Fatigue

Prospective examinees shall not be required to take the polygraph examination if they are physically or mentally fatigued.

III. Examiner Responsibilities

A. Consent/Rights Form

1. The examiner shall read and explain the “Consent and Release” form to the examinee and have the examinee sign the form prior to the polygraph examination. In criminal cases and other cases as necessary, the examiner shall read and explain the “Explanation of Rights” and have the examinee sign the form. In addition, the examiner or the investigating officer shall sign the form(s) as witness(es).
2. In cases of juveniles, one parent or guardian and/or juvenile judge with jurisdiction shall sign the “Consent and Release” form.
3. In cases related to an internal investigation where Departmental personnel are ordered to submit, a written copy of the order must be provided.

B. Explanation/Instructions

1. Prior to the administration of the examination, the examiner shall provide the examinee with an explanation of the nature of the polygraph examination, and give complete instructions regarding the required conduct of the examinee during the examination.
2. Prior to the examination (Pre-employment, Criminal and Internal investigations), the examiner shall review with the examinee the questions that will be asked during the examination.
3. The polygraph will be the only instrument used in determining deception during the pre-employment process.

C. Incriminating Statements

| | In criminal investigations, the examiner shall notify the investigating officer

immediately of any incriminating statements made by the examinee during the course of the polygraph examination. At that time, the examinee may be turned over to the investigating officer for the purposes of taking a written statement.

D. Relevancy

The examiner shall be concerned only with the detection of deception related to those issues that are relevant to the investigation, and shall not attempt a psychiatric analysis of the examinee.

E. Interpretation/Conclusions

Polygraph charts shall be interpreted by the examiner conducting the examination, and whenever possible, will be reviewed by one or more of the other examiners.

F. Personal Data Sheet

The examiner shall complete a "Personal Data Sheet" on every examinee with the exception of pre-employment examinations. This form shall include the name and assignment of the person requesting the examination, the type of case being investigated, special instructions, the result of the examination, and any statements of admission by the examinee.

G. Polygraph Results

1. The examiner shall make known to the investigating officer(s) the results of the examination. The results will be documented on an Polygraph Report and will be forwarded to the investigating officer.
2. Polygraph charts shall not be made a part of the investigators file, but shall be filed in the Polygraph unit located in the Internal Affairs Section.
3. The dissemination of polygraph results shall be in strict conformity with the restrictions established in Section II of this General Order.

H. Files

1. The examiner(s) shall file polygraph charts and at least one copy of the examiner's written report in the office of the Polygraph Unit.
2. In addition, the examiner shall be responsible for completing all other necessary administrative functions. This shall include, but is not limited to, the maintenance of all logs and files.

I. Maintenance

The examiner(s) shall insure that the polygraph instrument is calibrated in accordance with manufacturer's specifications on a monthly basis.

IV. **Examiner Training**

- A. Only trained/certified examiners shall be permitted to operate the instrument and conduct polygraph examinations for pre-employment, criminal and internal investigations.
- B. Examiners shall be trained/certified through an accredited polygraph institute.

Joseph S. Johnson
Chief of Police

References
1. Accreditation Standards 32.2.4, 32.2.5, 42.2.8

Revision: This General Order replaces General Order L.4 Polygraph Examination Procedures dated July 2000